

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1696.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF FISH.

On March 16, 1912, the United States Attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 pails, each containing 5 pounds; 5 pails, each containing 20 pounds; 10 kegs, each containing 30 pounds; and 15 kegs, each containing 60 pounds of a product purporting and represented to be Lake Huron Family White Fish, remaining unsold in the original unbroken packages and in possession of E. L. Martin & Co., of Lexington, Ky., alleging that the product had been shipped on or about February 19, 1912, by the Booth Fisheries Co., Cincinnati, Ohio, and transported from the State of Ohio into the State of Kentucky, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Lake Huron Family White Fish. E. L. Martin & Company, Lexington, Kentucky."

Misbranding was alleged in the libel for the reason that the labels and brands on each package of the product bore a false statement regarding the kind of fish contained therein and the mark or brand constituted and was a statement and representation that there was contained in each of the pails and kegs Lake Huron family white fish; whereas, in truth and in fact, there was not contained in them, nor in any of them, Lake Huron family white fish.

On or about May 7, 1912, judgment of condemnation and forfeiture was entered and it was further ordered that, upon payment of all costs by the Booth Fisheries Co., claimant, Cincinnati, Ohio, and the execution by said company of bond in the sum of \$1,000 in conformity with section 10 of the Act, the product should be released and delivered to said claimant.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *July 30, 1912.*